

Initiative Addresses Minority Over-Representation in Juvenile Justice System

An important effort is underway to reduce the disproportionate involvement of minority youth in the juvenile justice system.

In October 2003, the Baltimore City Disproportionate Minority Confinement Reduction Initiative Advisory Board (DMCR) held its first meeting to discuss ways to reduce the over-representation of Baltimore City minority youth in the juvenile justice system. The advisory board is co-chaired by the Honorable David W. Young and Dr. Marie Washington. The advisory board includes representatives from the court, the State's Attorney's Office, Public Defenders' Office, Department of Juvenile Services, Baltimore City Council, the Family League of Baltimore City, Casey Foundation, Youth Law Center, Baltimore City Police Department, Baltimore City Schools, Burns Institute, and community representatives.

The goal of the DMCR advisory board is to:

- Examine Baltimore City data regarding juveniles at various points in the juvenile justice system;
- Examine agencies' decisions, policies, and practices that may contribute to a disproportionate percentage of minority youth placed in secure detention and confinement; and

- In a collaborative effort, take steps to change decisions, policies, and practices that contribute to a disproportionate percentage of minority youth being placed in secure detention and confinement.

Baltimore City, through funding secured by the Family League of Baltimore City from the Governor's Office of Crime Control and Prevention and the Open Society Institute, has contracted with the W. Haywood Burns Institute for Juvenile Justice Fairness and Equity, nationally-recognized experts in reducing over-representation of minority youth in the juvenile justice system, to provide technical assistance.

The DMCR advisory board has identified three census tracts in Baltimore City with high arrest numbers and secure detention numbers and will begin analyzing data and resources in these neighborhoods. If you have any questions concerning this initiative, please contact Lisa Garry, Site Coordinator, at (410) 662-5500.



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ON DIVIDING THE SPOILS

Not long ago, my family and I stopped at my husband's woodworking shop so he could show me a new sideboard he had completed. As we drove up, an elderly couple was peering in the window of the closed shop. After entering the shop, and exchanging pleasantries with the couple, I took the kids outside for a few moments so my husband could, as it turns out, conduct business. In the few minutes we were hanging outside in the parking lot, my five-year-old son managed to accumulate two pocketfuls of irreplaceable treasure: three dandelion leaves ("they look like fire!"); two halves of broken walnut shells, discarded by squirrels ("what is it?"); and a chunk of concrete that had broken off of a parking barrier.

Those were added to the stockpile of essentials he stashes in his tiny bedroom. A partial inventory of found objects stored therein includes: two sharp, pointy rocks; several acorns; a dozen jars each with a different insect inside, labeled appropriately; an old tennis ball that has lost its fuzz so he now thinks it is a baseball; two super-large rubber bands; a handful of oyster shells; an old name tag with his name on it that has lost its adhesive . . . But I digress.

The point is, that somewhere in each of us is a five-year-old. After all, it may not be dead moths and pointy rocks we cannot live without, but it might be the silver tea service

that belonged to Aunt Phyllis, the antique clock that kept time in our grandparents' home, the photos of our children as babies, the Waterford crystal we got for our wedding.

At the time this issue went to press, it appeared that legislation was on target to pass this session that would permit courts to transfer title of family use personal property from one spouse to another in granting a divorce. Senate Bill 418 and House Bill 836, cross-filed bills, had passed the Senate and House respectively. These bills could significantly alter the manner in which marital property decisions are made. While it may mean that courts spend more time deciding title to relatively insignificant

[cont. on p. 12](#)



Pamela Cardullo Ortiz,
Executive Director

Redaction and Apology

The Department of Family Administration wishes to apologize and retract the article, "Of Love and Liberty," included in the Spring Issue (Vol. 4, No. 1). It was never the intention of the author, Pamela Ortiz, the department, or the Administrative Office of the Courts to endorse a position on a legal matter that may come before the Court of Appeals, or another Maryland court. The Administrative Office of the Courts supports and implements the policies of the Maryland Judiciary and follows the Maryland Rules, statutes and case law of Maryland in exercising its duties.

family matters

We welcome your comments and contributions.

Please call or write: Pamela Cardullo Ortiz, Exec. Director

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How Are We Doing?

Five Courts Collecting Data, Hosting Evaluators for *Pro Se* Programs

The self-help movement has come of age. Courts around the country are no longer debating the merits of providing assistance to the self-represented; many courts are now involved in evaluating those programs, and in determining what evaluation model works best.

Maryland is the lead state in a nationwide study to test an evaluation protocol for programs designed to assist the self-represented. Five courts will be collecting data and hosting visits from consultant John Greacen, former State Court Administrator for New Mexico, and volunteer evaluators who have experience running self-help programs in other states. The Circuit Courts for Baltimore City, and Harford, Montgomery, Prince George's and Worces-



ter Counties will all participate in the project, which has been funded through a grant from the State Justice Institute. The study will test survey tools and other instruments designed by the Trial Court Research and Improvement Consortium (TCRIC).

Phase One

The protocol that will be used and tested in this study includes a two-step process. During the first phase, the court will use survey and observation forms to collect data about its self-help program, and the experience of the self-represented in court proceedings. Judges, *pro se* assistance program staff, attorneys and litigants leaving the *pro se* program will be asked to complete a survey. In addition, an in-court observation is conducted of proceedings involving the self-represented; the judge or master will be asked to complete their own "observation form" from the same proceeding; and the litigant will be asked to provide some survey responses at the end of the proceeding. This data will be compiled and made available for use during the second phase. For this study, the forms will be scanned and the data compiled by another participating court in Minneapolis, Minnesota.

Phase Two

In the second phase, outside consultants and volunteer evaluators will be brought in to conduct stakeholder interviews with judges, masters, program staff, court staff and litigants, and to observe the *pro se* assistance program in action. At the conclusion of the visit, the consultants will prepare a written report incorporating the data provided by the court and the results of their interviews and observations. Most of the Maryland assessment visits will take place in June.

The results will help establish a benchmark for programs designed to assist the self-represented, and will provide guidance on the usefulness of the TCRIC tool for other courts and programs.

Spanish-Language Parenting Classes Available

The Circuit Court for Prince George's County has begun hosting monthly co-parenting education courses in Spanish. The course is taught by the staff of the National Family Resiliency Center (formerly the Children of Separation & Divorce, Inc.). Other jurisdictions are invited to refer Spanish-speaking litigants to the course.

To refer a parent to the course, contact Kathy Helt at the National Family Resiliency Center (410) 740-9553 or email khelt@divorceabc.com). Parents can be referred directly to the center, which has a Spanish-language voicemail option and the parent will be contacted by one of their bilingual parent educators.

Child Custody v. Child Protection: *Frase* Case Underscores Unique Nature of Child Protection Cases

Recent case law suggests that there is a genuine, unique role for local departments of social services to play in cases involving third party (non-parental) caregivers. Often, relative care givers approach the local department to seek their assistance in establishing legal custody. In some cases, those caregivers are advised to pursue an order by filing a petition for custody themselves.

This may be appropriate in some cases: when the child is not at risk, or the caregiver can provide necessary support services; when the biological parents are not likely to challenge the petition, or actively support the petition; when additional court supervision is not required; or when the third party caregiver can afford counsel. A petition for custody permits the third party custodian to care for the child without relinquishing control of the child to the local department.

In other cases, the court may find that circumstances warrant its continued intervention. Unless the case is filed by the local department of social services as a Child in Need of Assistance (CINA) case, however, the court is not empowered to impose certain types of conditions – even if it feels those conditions are warranted by the case. In sum, a custody case is not a CINA case. Once the court determines who should have custody based on the best interest standard, the court's role is complete.

The distinction between CINA and custody actions was clarified by *Frase v. Barnhart*, No. 6, September Term, 2003, filed December 11, 2003. In that case, the Court of Appeals found that it was impermissible for the trial court to award custody to the mother in a third-party custody dispute, but then impose certain conditions upon the mother including the requirement that she submit to further review hearings, and that she reside in a certain place.

According to the *Out-of-Home Placement Report*, prepared each year by the Citizens' Review Board for Children, 16% of the 4,111 children in out-of-home placements during Fiscal Year 2002 were being cared for by

relatives, *i.e.*, they were in "kinship care" arrangements. This figure does not include the many thousands of other children who are cared for informally by relatives and family friends. These children are often the subject of third party custody complaints.



Courts and local departments of social services should work together to ensure that child protection cases are filed whenever necessary to protect the well-being of children who are in the informal care of a non-parent. The court does not have the same arsenal of tools at its disposal to protect children when the case is filed as a custody matter. Only when the local department intervenes to file a CINA petition can the court continuously monitor the well-being of the child once the placement has been finalized by an order.

Changes Coming to Vital Records' Blue Form

The "Blue Form," the form that parties submit once a divorce is finalized to inform the Department of Vital Records of changes in name and marital status, has undergone some changes. It will soon include spaces for the recording of each parties' social security number. The change is a result of federal requirements found in the Social Security Act. These changes are required to ensure Maryland's compliance with that act, and to safeguard federal funding for child support and Temporary Assistance to Needy Families (TANF). Maryland's Child Support Enforcement Administration negotiated with the federal Office of Child Support Enforcement and DHMH to make this change to the form. Once the change is implemented, Clerk's Offices will be required to keep the form under seal until it is forwarded to the Department of Vital Records. The form will also be larger to accommodate the new information, although it will still be blue!

Expanding the Reach of CASA Programs

In April 2003, the Administrative Office of the Court's, Department of Family Administration, received funding in the amount of \$213,000 to expand existing Court Appointed Special Advocate (CASA) programs in the State. The grant, which will be distributed over a three-year period, was made from federal funds awarded to the State of Maryland Department of Human Resources, Social Services Administration, and was awarded through the Children's Justice Act Program. The grant will benefit CASA programs in Anne Arundel, Baltimore, Carroll, Frederick, Harford, Montgomery, Prince George's, Wicomico, and Worcester counties and Baltimore City. The goal of the grant is to serve 195 additional children in those jurisdictions by the end of the third year.

Each of the CASA programs is using the money to augment the salary of a part-time position to supervise, train, and assist new CASA volunteers before they go to court. The grant has enabled CASA of Baltimore County to expand its capacity to support a total of 30 new volunteers, of which 28 have already been trained. Ten of the volunteers will be assigned their first case within the next few weeks.



Student Art Graces Sommerset Annex

Somerset County Youth Art Project

By Karen Brimer, Family Services Coordinator,
Circuit Court for Somerset County



Contest judges (left to right): Lisa Hopkins, Supervisor of Secondary Education, Cary Knopp, Executive Director of DSS; and Andrew Whitehead, Esq., Law Clerk to Judge Daniel Long

Several of Somerset County's artistically talented students have their pictures on display in the Somerset County Circuit Court Annex, located at 11774 Somerset Avenue in Princess Anne. The project was a collaboration between the Somerset County Board of Education and the Family Services Coordinator for the Circuit Court for Somerset County, Karen Brimer. Art students in Somerset County were asked to give their interpretation of family life in the hope that the work would be framed and used in the Annex.

Entries were judged by various personnel from the courts and other governmental agencies. Seven entries were chosen to be displayed in the Annex, although all 28 entries were extremely talented depictions of family life. Those works chosen for display were by students Brandon Gray, Courtney Collins, Adrian Tyler, Mandi Barnes, Kelsey Wooten, LeAnne Baggin and Candy Harris.

Foster Care Court Improvement Project (FCCIP) Update

The Foster Care Court Improvement Project staff are gearing up to work on the assessment that is required by the Department of Health and Human Services to be completed no later than June, 2005.

CINA Subcommittee

The TPR and adoption legislation, House Bill 882/Senate Bill 697 received unfavorable reports during this year's legislative session. The members and consultants of the CINA Subcommittee have begun plans to regroup for the next session.

Representation Subcommittee

The Representation Subcommittee sponsored its first training program entitled, *Representing Parents and Guardians in CINA Cases*. See article on page 12 for more details.

The Representation Subcommittee is currently planning the training day for attorneys representing

parties in CINA and related cases. This program will be part of the DFA's annual conference scheduled for October 4-6, 2004. The attorney training track will be held on the second day of the conference.

Statistics Oversight Subcommittee

The Statistics Oversight Subcommittee continues to work with the Judicial Information Systems (JIS) department of the AOC to generate reliable statistics in CINA and related TPR and adoption cases. External vendors are also working with the FCCIP to assist in gathering reliable data.

Training Subcommittee

The 2004 Judicial Institute Course entitled, *Aspects of a TPR Case and Guardianship Reviews*, was held on April 1, 2004. Approximately 15 judges and masters attended. The course covered topics ranging from the factors in a TPR case, how to properly conduct a guardianship review hearing, to the different types of adoptions. The course evaluations revealed that the program was well received. Congratulations to the Training Subcommittee on another successful program.

The Training Subcommittee continues to plan for the next annual child abuse and neglect judicial conference. The conference will center around mental health and substance abuse issues. For questions regarding the conference, please contact Tracy Watkins-Tribbitt, FCCIP Assistant Director of the FCCIP at (410) 260-1272.

TPR Workgroup

As stated in the previous publication of *Family Matters*, the FCCIP disseminated in December 2003 a Notice of Funding Announcement (NOFA) to the courts, local departments of social services and the Department of Human Resources. The following courts or agencies received awards:



Instructors, Judges Welch and Friedman (ret.) at the recent "TPR, Guardianship Reviews and Adoptions" Judicial Institute course sponsored by the FCCIP

photo by Althea Stewart Jones

cont. on next page

Initiative Addresses Link Between Substance Abuse, Child Protection

Dependency Drug Court Teams on the Road

Maryland officials continue to pursue the development of resources that will permit courts to address underlying substance abuse issues that often lie at the heart of child abuse and neglect cases.

The Maryland Family Dependency Drug Court Team and the Harford County Family Drug Court Team completed the first leg of a journey to implement dependency drug courts. The teams took part in a three-day introductory training program which focused on introducing the family dependency treatment court concept, identifying team member roles, and assisting the team in developing a framework for the implementation of the family dependency treatment court strategic plan.

Ten teams consisting of jurisdictions from New York, Ohio, and Maryland traveled to Destin, FL to participate in the first of a series of three training programs. Teams were presented with an exciting opportunity to visit the Host Court of Judge John Parnham, Escambia FL County Circuit Court, where they were given an opportunity to observe the structure and proceedings of the Family Dependency Treatment Court. The teams were invited to witness the unique relationships the judge and other mem-

bers of the treatment team had with each parent participating in the drug court. In addition, parent graduates of the program shared their experiences with the drug court and answered several questions from the various visiting team members.



Despite the warm, breezy weather and the beachfront accommodations, team members were deeply entrenched in training sessions and materials. Team members barely had the opportunity to remember they were in sunny Florida! Upon completion of the three-day session, teams were assigned several tasks and duties to be completed before the next meeting in Kansas City, Missouri.

For additional information regarding the Maryland Family Dependency Treatment Courts, contact Tracy Watkins-Tribbitt at (410)260-1272 or Gray Barton at (410) 946-4908.

FCCIP Update, cont. from previous page

- Circuit Court for Baltimore City — Part-time Instant Paternity Lab Assistant;
- Circuit Court for Harford County — Part-time Court liaison to work with the Court, DSS and the Board of Education;
- Prince George's County Department of Social Services — Publication Notices in TPR cases;
- Circuit Court for Prince George's County — Children's Courtroom Project;

St. Mary's County Department of Social Services — Assistance with Paternity Testing, Parent Locator Services and Pre-Adoption Services.

A second Notice of Funding Announcement will be distributed to solicit applications for programs that enhance the court's ability to resolve CINA and TPR cases.

Welcome Aboard, Permanency Planning Liaisons

In August 2001 the Administrative Office of the Courts submitted to the General Assembly a Termination of Parental Rights (TPR) Plan of Action. The purpose of the Plan of Action was to develop a plan to improve the processing of TPR cases that originate from Child In Need of Assistance (CINA) cases. The plan addresses the statutory mandate that all TPR cases be concluded within 180 days and that every child coming before the court from the foster care system is provided permanency in a timely manner. Several recommendations were made to achieve this goal:

1. Recognition of the need for additional judicial resources;
2. Early identification and timely service of parents;
3. Use of mediation/ADR techniques;
4. Use of post-adoption contact agreements;
5. Judicial case management;
6. Improved case management;
7. Improved automation system; and
8. Court coordinator and permanency planning liaisons.

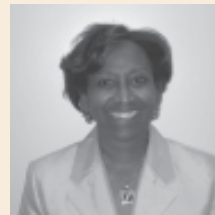
In particular, Permanency Planning Liaisons (PPLs) were created "to work on a regional basis to monitor the cases that come into the local juvenile court and to assist the local court in ensuring compliance with statutory time standards that all children involved in the foster care system are afforded timely permanency." *Report to the Senate Budget & Taxation Committee, the Senate Judicial Proceedings Committee, the House Appropriations Committee and the House Judiciary Committee: Termination of Parental Rights Plan of Action, August 1, 2001.* As of January 2004, PPLs had been hired to work with the 3rd, 5th, 6th, 7th and 8th Judicial Circuits.



Anissa Vila
3rd Circuit - Baltimore and Harford Counties

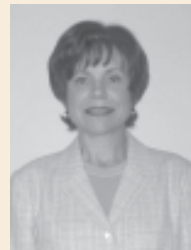
Ms. Vila began working as the Third Circuit's PPL in March 2003. Prior to coming to this position she worked with the Howard County Sheriff's Office as the Domestic Violence Coordinator/Advocate and at the Howard County Domestic Violence Center. Anissa

received her undergraduate degree from Winston-Salem State University and a Law degree from North Carolina Central School of Law. Anissa and her seven-year-old daughter reside in Columbia, Maryland.



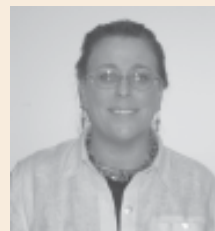
Michele Williams
5th Circuit: Anne Arundel, Carroll and Howard Counties

Ms. Williams began her work as the Fifth Circuit's PPL in September 2003. She comes to us from the Baltimore City Department of Social Services Legal Services Division where she served as a legal administrator for five years. Ms. Williams has a Masters in Organizational Management and a Certificate in Paralegal Studies.



Victoria Jones
Sixth Circuit: Frederick and Montgomery Counties

Although new in her position where she was hired January 2004, the Sixth Circuit's PPL is not new to the circuit. Victoria Jones has served the circuit in various capacities, from providing secretarial support in law firms, to transcribing for the courts for 12 years, and as an administrative assistant to the Frederick County Circuit Court. Ms. Jones is a trained paralegal. Vicky and her husband Jim live in the City of Frederick. Vicky is the mother of an 18-year-old daughter, a 16-year-old son and two step-daughters, 19 and 22.



Karen Anadol
7th Circuit: Calvert, Charles, Prince George's and St. Mary's Counties

Ms. Anadol was the first PPL hired in January 2003. Karen comes to the circuit after working as a paralegal for a small general practice law firm for nine years. She was a member of the Carpenter's Union in Albany, New York. Karen is married and is the mother of a 16-year-old daughter and an 11-year-old son.

Around Maryland



Baltimore County

The Baltimore County Juvenile Court is preparing for expansion of the Juvenile Drug Court into the West Side of the County. The Juvenile Drug Court began holding proceedings at the Catonsville District Court building on March 10, 2004.

Calvert County

Calvert and St. Mary's County Circuit Courts received a joint grant from the Foster Care Court Improvement Project to develop and implement CINA and TPR mediation (Southern Maryland Dependency Mediation Program). Several stakeholder meetings have been held, as well as a 4-day CINA and TPR mediation training by Liz Waetzig of the Georgetown University Center for Child and Human Development.

Kent County

Kent County Circuit Court Family Law Services and the Spanish Department of Washington College have established a professional relationship. The ultimate goal is to have an internship program at the courthouse for Bilingual Legal Services. For now, there is a pool of Spanish speaking college students willing to volunteer translation services.

Queen Anne's County

The Family Law Assistance Clinic of the Circuit Court for Queen Anne's County has expanded to provide an additional two-and-a-half hours of service every Monday afternoon. This is in addition to the three hours each week on Wednesday mornings.

Somerset County

Paula Price, Esq., one of Somerset County Circuit Court's *pro se* attorneys, provided training for the Somerset County Department of Social Services. The topics included: Protective Orders verses Peace Orders, domestic violence laws, custody verses guardianship issues, divorce, custody, visitation and the filing process. There were approximately 30 caseworkers and staff in attendance.

St. Mary's County

The St. Mary's County Circuit Court Juvenile Drug Court Team was selected by the U.S. Department of Justice, Bureau of Justice Assistance, Drug Court Planning Initiative Training Program to attend three trainings. The Juvenile Drug Court Team consists of representatives from the court and from various agencies and organizations whose work involves juvenile justice and drug issues.

The following agencies are represented in the team: Circuit Court for St. Mary's County, Maryland Dept. of Juvenile Services, Walden/Sierra, Inc. (Treatment Provider), St. Mary's County Public Schools, St. Mary's County State's Attorney's Office, St. Mary's County Public Defender's Office, Local Management Board for St. Mary's County, and St. Mary's County Health Department. The team has worked closely with the support of the Maryland Drug Court Commission, Gray Barton and Jennifer Moore. Both have attended monthly meetings and have provided invaluable assistance in guiding planning efforts. Further team meetings have been planned and the team has developed a policy and procedure manual, mission statement, goals and objectives.

Steven Smith
8th Circuit - Baltimore City



Mr. Smith comes to the position as the Eighth Circuit's PPL from the Baltimore City Department of Social Services. He worked as a Family Investment Worker and with the Northwest Project for seven years. Steven graduated from West Virginia State College with a Bachelor of Science degree in Political Science and Criminal Justice. He is a trained mediator. Steven, his wife, and two children, reside in Harford County.



Domestic Violence and Alcohol Abuse - Is There a Connection?

A recent Position Paper* issued by the Domestic Violence Abuser Research Collaborative, a committee of the Attorney General's and Lt. Governor's Family Violence Council, offers evidence of a strong correlation between the perpetration of partner abuse and the perpetrator's use and abuse of alcohol. The position paper documents that "partner abusers have higher rates of alcohol abuse than the general population and that alcohol abusers, particularly binge drinkers, demonstrate higher rates of partner abuse than the general population." The paper also offers evidence that "alcohol appears to be a significant component of individual partner abuse incidents and a contributor to the escalation to injury and even fatality."

Despite evidence of a strong correlation between alcohol abuse and partner abuse, the paper emphasizes that there is no evidence of a causal relationship. The authors note that "there is no support in the research for the notion that batterers are 'out of control' due to intoxication when they batter their intimate partners. Factors other than alcohol must also be present to support the individual's choice to abuse an intimate partner." The paper concludes that: "Using alcohol or other drugs may increase the possibility an abuser will engage in

violent behavior - because it reduces inhibitions and distorts perceptions, because alcohol can then be used as an excuse for violence, and because both alcohol abuse and domestic abuse tend to follow escalating patterns . . . but it does not fully explain the behavior."

Thus, substance abuse treatment, while important when the partner abuse perpetrator is also a substance abuser, is not a sufficient intervention for partner abuse. In fact "ongoing relationship problems and partner abusive behavior and attitudes may contribute to poor substance use treatment outcomes." The approach recommended in is to offer both substance abuse intervention and partner abuse intervention, either in an integrated program or in separate programs that work closely and collaboratively to address the needs of partner abuse offenders with substance abuse issues.

For more information on this topic, or to receive a copy of the paper, contact Carol Doctrow, Research Associate, Attorney General's & Lt. Governor's Family Violence Council, at: 410.576.6411 or cdoctrow@oag.state.md.us.

* *Alcohol and Partner Abuse Offenders: The Effect of Alcohol Use and Abuse on the Perpetration of Partner Abuse and Abuser Intervention Effectiveness*, November 2003.

Courts, Partners, Explore Better Decision-making for Kids with ADR

The use of Alternative Dispute Resolution (ADR) techniques in CINA and TPR cases continues to grow throughout Maryland. Within the last year, the Foster Care Court Improvement Project has awarded several grants to support the use of ADR efforts in these cases and to assist with ongoing training for CINA and TPR mediators.

Currently, Allegany, Anne Arundel, Calvert, and St. Mary's counties are in the initial phases of planning and creating ADR programs that will be supported by all the stakeholders involved in CINA and TPR cases.

Anne Arundel began the planning process with a stakeholder meeting on

April 1, 2004. Allegany County had its first stakeholder meeting in February, 2004. St. Mary's and Calvert counties have jointly hosted three stakeholder meetings and one major CINA and TPR mediation training.

These jurisdictions join others who have implemented successful CINA/TPR alternative dispute resolution programs including Baltimore City and Baltimore, Harford, Montgomery and Prince George's counties. For information on these programs or for technical assistance in developing CINA and TPR mediation programs, contact Hope Gary at (410) 260-1728.

Recent Family Law Decisions

Family Matters highlights recently-reported decisions of the Maryland Court of Appeals and Court of Special Appeals that address family law issues. Copies of reported opinions are available at <http://www.courts.state.md.us/opinions.html>.

COURT OF SPECIAL APPEALS

■ Alimony

Brewer v. Brewer, No. 2704, Sept. Term, 2002, filed March 31, 2004. Opinion by Krauser, J.

Award of indefinite alimony vacated and case remanded where the recipient of alimony was 62 years old, had worked full-time for most of the marriage and had a masters degree, and where court did not make findings as to recipient's present income, likelihood or timeline for recipient to become self-supporting. The relative income disparity was small where the recipient's projected income was 80% of the payor's income. The trial court did not take steps to determine if that small disparity would result in rendering that "the respective standards of living of the parties" would be "unconscionably disparate," pursuant to FL §11-106(c)(2). A marital property awarded was also vacated and remanded.

■ Paternity

Stubbs v. Colandrea, No. 445, Sept. Term 2003, filed February 2, 2004. Opinion by Rodowsky, J. (retired, specially assigned).

Under the best interests of the child standard, set forth in *Turner v. Whisted*, the request of mother's former paramour for a blood test was denied. The more recently enacted statute (FL §5-1002(C)) mandating a blood test at the request of a putative father to establish paternity is applicable only to children born out of wedlock. The court found that while *Turner's* holdings are limited to the unique facts of that case, the instant case was sufficiently similar for the holding in *Turner* to apply. In the

instant case, there was conflicting testimony regarding mother's relationship with the appellant and appellant's relationship with a daughter born during a period of time when the appellees had been separated on and off four times, but remained married.

■ Delinquency

Lopez-Sanchez v. State, No. 936, Sept. Term, 2003, filed March 8, 2004. Opinion by Eyler, Deborah S., J.

The victim of a delinquent act is not a party to the juvenile delinquency case and cannot prosecute an appeal. Juvenile cases are not civil actions to vindicate or advance private rights, rather they primarily serve societal interests and rights.

A victim of a delinquent act is also not a "victim of a violent crime" within the meaning of the statute that permits victims to seek leave to file an appeal (Article 27, § 776). To file an appeal under Article 27, §776, the underlying proceeding must be for or in connection with the prosecution of a crime.

Wiggins v. Griner, No. 10, Sept. Term, 2003, filed March 5, 2004. Opinion by Eyler, James R., J.

FL §5-1029 provides that, if a party requesting a paternity test is indigent, the costs of the test shall be borne by the county in which the proceeding is pending. When a request is made pursuant to this provision, the court shall make a finding with respect to indigency and explain its finding. Appellant had filed a motion to modify child support and to request genetic testing.

The trial court ordered appellant to pay the costs of testing "up front." Appellant filed a motion to waive the costs which was denied; the circuit court failed to make a factual finding as to indigency. Judgment vacated and remanded for a determination of indigency.



Training Increases Availability of Counsel for Parents

Many attorneys interested in increasing their level of service *pro bono publico* can now use their skills to enhance access to representation for parents involved in the child protection system.

The Foster Care Court Improvement Project (FCCIP) sponsored its first training for attorneys interested in representing parents and guardians in CINA cases. The training program, organized by the Representation Subcommittee of the FCCIP and the Office of the Public Defender, was held on Saturday, March 20, 2004, at the Judiciary Training Center in Annapolis. A total of 36 attorneys attended the training, 30 of which were private attorneys who have agreed to represent a parent or guardian in a CINA case within one year of the training.

The course focused on the nuts and bolts of a CINA case, ranging from shelter care hearings through disposition. Evidentiary issues and aspects of discovery were also discussed. The faculty included experienced attorneys from the Office of the Public Defender, notably, Vanita Taylor, Chief Attorney of the CINA Division, as well as Robert English, William Fields, Sylvia Long, Rita McGinley, and Robin Zoll.

A special thanks goes to the Office of the Public Defender for an outstanding training. Hats off to those attorneys who are committed to providing free or reduced fee representation to parents in these important cases.



Potential *pro bono* attorneys focus on CINA

photo by Althea Stewart Jones



Vanita Taylor, Chief Attorney, CINA Division, OPD, discusses the “ins and outs” of permanency planning hearings.

photo by Althea Stewart Jones

Dividing the Spoils, (cont. from p. 2)

items of personal property, in some cases, that may be exactly what is needed to resolve the case. Some see these bills as providing a key tool that can be used to untie the Gordian knot of marital dissension.

And title can be important. My son recently learned this concept. We found a “fossil” in the backyard – a piece of sandstone with embedded shell prints in it. He wanted to know if it could be his. “Is it MINE? Can I keep it in my room?” I assured him that “something does not have to have your name on it for you to enjoy it.” From which he has now derived the idea that he should imprint his name on everything he owns. Lest we think we, as adults, are above this, the new marital property legislation will undoubtedly help us move on.



Committee on Family Law Update

During the months of February and March, 2004, the Committee on Family Law and its various committees were largely occupied with reviewing pending legislation. In addition to reviewing legislation and approving form changes, the committee discussed the following action items.

■ **Best Practices Documents.** The committee decided to review both the draft *Best Practices for Programs Assisting the Self-Represented (Pro Se Best Practices)* and *Family Court ADR Program Best Practices* at the conclusion of the legislative session.

■ **Voluntary Placements.** The committee has been asked by Chief Judge Bell to work with the Department of Human Resources and Secretary McCabe, at DHR's request, to develop a protocol for handling the new voluntary placement cases being filed in juvenile court.

■ **Collaborative Law.** The committee heard from guests, Susan Land of the Maryland Collaborative Law Association and Carren Oler of the Collaborative Family Law Society on the topic of collaborative law. The committee resolved to send a letter to county administrative judges supporting the concept of collaborative lawyering in family cases and urging each circuit court to educate itself about the benefits of collaborative law and to support local practitioners involved in collaborative law activities.

■ **Child Support Subcommittee.** On February 17th, the Child Support Subcommittee held a meeting with child support attorneys and prosecutors from around the State to discuss the use of criminal enforcement methods in child support cases. The 24 attendees discussed rates of use, successes, positive and negative aspects of criminal enforcement, barriers to its use and the limitations of civil contempt. As a follow-up to this meeting the subcommittee is hoping to prepare a profile of jurisdictions that use criminal enforcement and combine that information with sample pleadings, *voir dire*, jury instructions, etc., as a resource for those jurisdictions which may want to explore this method of enforcement.

■ **Custody Subcommittee.** The Custody Subcommittee met during March, 2004, and began a discussion of definitions and roles for attorneys appointed to represent children in child custody cases. Work was begun on a draft set of guidelines or standards for child counsel.

■ **Domestic Violence Subcommittee.** During meetings in Spring, 2004, David Weissert, Coordinator of Commissioner Activities, updated the committee on civil filings with District Court Commissioners as of 12/18/02, the starting date for issuing Interim Protective Orders, through 12/18/03. For all Districts, 8,072 petitions for protection from domestic violence, and 3,762 petitions for peace orders were filed with District Court Commissioners, for a total of 11,834 petitions. This represents one-third of all civil protection cases filed.

The subcommittee chair, Honorable Angela Eaves, will be teaching the domestic violence segment of the District Court Judicial Conference on October 1, 2004. The subcommittee reviewed a new Full Faith & Credit Judge's Bench Card which was distributed in April. The subcommittee also undertook the review of the temporary and final protective order forms.

■ **Juvenile Subcommittee.** The Juvenile Law Subcommittee has reviewed and made recommendations to the Family Law Committee on numerous Senate and House bills. Nancy Forster, Esq. and Cynthia Boersma, Esq., both with the Public Defender's Office, met with the subcommittee to discuss the representation of juveniles in delinquency cases. They advised the subcommittee that juvenile law is now the number one priority of the Public Defender's Office and that they would like to work with the Judiciary on a local level to determine what problems exist in securing representation for juveniles. After discussion, the subcommittee endorsed this approach.

The Juvenile Law Subcommittee is now planning for the delinquency day agenda at the Foster Care Court Improvement Project's Annual Conference, scheduled for October, 2004, in St. Michael's, Md. The theme for the conference will be Addiction and Mental Health Issues.



Child Support Cooperative Reimbursement Agreement

The Maryland Judiciary benefits from federal money designed to assist the states in ensuring that children grow up in financially-secure households. These dollars, often called "IV-0 monies" because they are authorized by Title IV-0 of the Social Security Act, are paid to the Judiciary under a special contract. The Child Support Cooperative Reimbursement Agreement (CRA) is a contract between the Judiciary and the Child Support Enforcement Administration (CSEA). This contract reimburses the Judiciary for 2/3 of child support expenditures. This can include:

- Clerk's office staff (salaries and benefits)
- Masters (salaries and benefits)
- Supplies
- Travel
- Printing and photocopying
- Telephone
- Postage

Although the Judiciary's contract is with CSEA, the reimbursement money actually comes from the federal government. CSEA enters into CRAs with the Judiciary, local county governments, sheriff's offices, and state's attorney's offices. Then, CSEA takes all of the child support expenditures in those contracts, adds some of its own costs and enters into a contract with the federal government for a 2/3

reimbursement of these expenses. In this way federal money passes through CSEA to the Judiciary.



Each year the Judiciary, through the Department of Family Administration with generous help from the Department of Finance, negotiates a new CRA. For example, in April 2004 the Department prepares the Fiscal Year 2005 contract. The Department updates staffing needs for child support cases and may add other child support expenditures during this time. The Department also has to project

the following year's expenditures (FY2006) and incorporate these projections into the legislative budget request. The more money the Judiciary receives in reimbursement, the less money the legislature needs to spend on child support activities. During tough financial times, a thorough and accurate CRA can save the State of Maryland money.



With these facts in mind, there are several important safeguards to keep in mind in order for the CRA to function well:

- All changes in child support staffing must be communicated promptly to the Department of Family Administration;
- Part-time child support personnel (both clerks and masters) must keep accurate time records to ensure proper billing;
- Decreases in time allocation for personnel can actually cost the Judiciary money because the anticipated payments were in the Judiciary's budget;
- Changes to the CRA have to be planned well in advance;
- The Department of Family Administration can assist local offices in seeking waivers to hiring freezes and in filling child support vacancies; and
- Some money is available to pay for 2/3 of the cost of temporary child support help in clerk's offices, but the remaining 1/3 still has to come from the Judiciary's legislative budget.

The work courts do in child support helps families provide for their children. The CRA allows the Judiciary to be creative and thorough in the child support arena. Working together we can maximize the usefulness of this welcome tool.

If you have questions about the CRA, contact Jennifer Keiser, Esq., Deputy Director of Family Administration at 410-260-1580.

Since 2000, 255 Trained in ADR Skills

Whether you work in the Clerk's Office, the Family Division or behind the bench, if you work for the Maryland circuit courts you will come face to face with litigants in conflict. Dispute resolution skills can enhance the work of all court staff regardless of their position.

In an effort to provide skills they will need to resolve family disputes in chambers or in the hallway, and to ensure that judges, masters and coordinators make appropriate referrals for mediation and other ADR services, the Department of Family Administration has, since 2000, offered mediation skills training for Judiciary personnel. Attendees over the years have included judges, masters, family support services coordinators, custody evaluators, permanency planning liaisons, clerks and clerk's office staff, and others. In that time, approximately 255 attendees have taken one of two courses. One hundred thirty-four (134) attendees have taken a 40-hour basic mediation course; 121 court personnel have taken a 20-hour child access mediation course.

That trend continued this winter as the Department of Family Administration hosted two courses totaling 60-hours of training. The 40-hour basic mediation course was held in January with 29 attendees, and the 20-hour child access mediation training was completed in March with 19 attendees. Roger Wolf, Harry Fox and Melanie Vaughn taught the basic mediation course. Louise Phipps Senft of the Baltimore Mediation Center provided a 20-hour child access mediation course.



Trainers and attendees
at the recent basic
mediation course

photo by Jennifer Keiser

In Memoriam

Anne Barlow Gallagher



Maryland's family justice system lost an advocate and a friend with the passing of Anne Barlow Gallagher on April 1, 2004. A 1994 graduate of the University of Maryland School of Law, Anne served for many years as an attorney for abused and neglected children throughout the Eastern Shore. She also served several courts as a *pro se* assistance provider, where she offered legal counseling and information to over a thousand individuals. Anne was posthumously awarded the 2004 Founder's Day Award by Children's Choice, a regional children's advocacy organization, for her outstanding work on behalf of children in need. Anne is survived by her husband, attorney Peter Holland, her daughter, Delia (7) and son, Jimmy (5), her parents, a brother, and other family members. Anne was 38 years old.

Department of Family Administration

Administrative Office of the Courts
Maryland Judicial Center
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mark your calendar . . .

June 24-25, 2004	Managing Conflict and Removing Barriers to Collaborative Decision-making. Center for ADR, 16th Annual Conference, Greenbelt, MD	Center for ADR (301) 776-6055
July 12, 13, 2004	Women Across the Life Span: A National Conference on Women, Addiction and Recovery, Baltimore, MD	Irene Bocella (202) 205-1723
July 14, 15, 2004	Putting the Pieces Together: First National Conference on Substance Abuse, Child Welfare and Dependency Court Baltimore, MD	Irene Bocella (202) 205-1723
August 1-5, 2004	NCSEA 53rd Annual Training Conference Palm Springs, CA	NCSEA (202) 624-8180